

Programs Administration, provides for reimbursable grants and requires applicants to provide a 20 percent funding match to States and Tribes.

- Department of Transportation's Federal Highway Administration: Highway shipments are the responsibility of the Federal Highway Administration, which encourages nationally uniform inspection and enforcement activity among the States through the Motor Carrier Safety Assistance program (**Federal Register**, Vol. 57, No. 174, Tuesday, September 8, 1992, pp. 40946-64).

- Department of Transportation's Federal Railway Administration: Federal Government oversight of railroad inspections has been shared by the Interstate Commerce Commission and the Federal Railroad Administration (49 U.S.C. Subtitle V, Part A).

(2) Establish Agreements With State, Local, Tribal, and Other Organizations

The Department of Energy has cooperative agreements with the Commercial Vehicle Safety Alliance, Conference of Radiation Control Program Directors, Council of State Governments/Midwest, League of Women Voters Education Fund, National Association of Regulatory Utility Commissioners, National Conference of State Legislatures, National Congress of American Indians, Southern States Energy Board, and Western Interstate Energy Board. These agreements facilitate communication with stakeholders to provide information about the OCRWM program and to receive feedback and comments from the stakeholders about the program. Similar agreements could be established for Section 180(c) implementation.

(3) Establish a Department-wide Grant Program

Internal Department-wide coordination of emergency response activities is through the Transportation Emergency Preparedness Program (DOE Order 5500.1B). The Transportation External Coordination Working Group, discussed earlier, provides a mechanism for external parties to participate in the Department's coordination and development of emergency response activities. The following is an explanation of other Department transportation emergency preparedness activities that might serve as models of or vehicles for some or all of Section 180(c) implementation.

- Department of Energy's Waste Isolation Pilot Plant: The 1992 Waste Isolation Pilot Plant Land Withdrawal

Act (Pub. L. 102-579) has made financial and technical assistance to States and Tribes a legal requirement. Funds have been distributed to States through a cooperative agreement with the Western Governors' Association and with individual Tribes.

- Department of Energy's Environmental Restoration and Waste Management: The Office of Environmental Management is responsible for the development of all Department transportation policy with the exception of the transport of civilian spent nuclear fuel and high-level waste to a Nuclear Waste Policy Act facility and the transportation of weapons related materials or components. The office has funded transportation emergency response training for various Department shipments.

(4) Establish an OCRWM Grant Program

- Under this option, OCRWM would develop and implement its own program, specifically tailored to Section 180(c) requirements. The payment mechanisms could include a formula combining two or more grants, direct payments, or cooperative agreements.

(5) Use Elements From the Previous Four Groups

- Options from the preceding groups can be interchanged in a variety of ways. Since each option has elements that meet only portions of the Section 180(c) program requirements, it might be necessary to implement a variety of options.

Any Department decisions must weigh the applicability of each program option to Section 180(c) mandates to encompass safe routine transportation as well as emergency response capabilities over rail and highway modes for both State and Tribal recipients. In order to understand the benefits, costs and drawbacks of each program option, the Department will conduct an in-depth investigation of each program option.

Request for Submission

The Department solicits comments from the public on all aspects of Section 180(c) implementation, including but not limited to: Which option is the least administratively burdensome? Which option offers the greatest flexibility for recipients? What eligibility criteria do similar funding and training programs use? What formulas exist for division of funds among eligible parties? What restrictions should apply to the use of funds? How may funds be used in similar programs? What should be included under the term "technical

assistance"? Based on past experience, what types and scope of training activities would be appropriate for implementation under Section 180(c)?

Issued in Washington, D.C., December 28, 1994.

Lake Barrett,

Acting Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 94-32315 Filed 12-30-94; 8:45 am]

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Office of Energy Efficiency and Renewable Energy

[Case No. F-077]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver from the Furnace Test Procedure to York International

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Decision and Order.

SUMMARY: Notice is given of the Decision and Order (Case No. F-077) granting a Waiver to York International (York) from the existing Department of Energy (DOE) test procedure for furnaces. The Department is granting York's Petition for Waiver regarding blower time delay in calculation of Annual Fuel Utilization Efficiency (AFUE) for its P2LN and PBNL lines of condensing furnaces.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasser, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE-431, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9138.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, York has been granted a Waiver for its P2LN and PBNL lines of condensing furnaces, permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, on December 23, 1994.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

Decision and Order

In the matter of: York International. (Case No. F-077)

Background

The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94-163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95-619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100-12, the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100-357, and the Energy Policy Act of 1992 (EPAct), Public Law 102-486, 106 Stat. 2776, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

The Department amended the prescribed test procedures by adding 10 CFR 430.27 to create a waiver process. 45 FR 64108, September 26, 1980. Thereafter, DOE further amended its appliance test procedure waiver process to allow the Assistant Secretary for Energy Efficiency and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures, or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions added by the 1986 amendment allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

York filed a "Petition for Waiver," dated September 22, 1994, in accordance with Section 430.27 of 10 CFR Part 430. The Department published in the **Federal Register** on November 10, 1994, York's petition, and solicited comments, data, and information respecting the petition. 59 FR 56064. York also filed an "Application for Interim Waiver" under Section 430.27(g), which DOE granted on November 2, 1994. 59 FR 56064, November 10, 1994.

No comments were received concerning either the "Petition for Waiver" or the "Interim Waiver." The Department consulted with the Federal Trade Commission (FTC) concerning the York Petition. The FTC did not have any objections to the issuance of the waiver to York.

Assertions and Determinations

York's Petition seeks a waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the burner and the starting of the circulating air blower. York requests the allowance to test using a 30-second blower time delay when testing its P2LN and PBNL lines of condensing furnaces. York states that since the 30-second delay is indicative of how these models actually operate, and since such a delay results in an overall furnace AFUE improvement of approximately 1.5 percentage points, the petition should be granted.

Under specific circumstances, the DOE test procedure contains exceptions which allow testing with blower delay times of less than the prescribed 1.5-minute delay. York indicates that it is unable to take advantage of any of these exceptions for its P2LN and PBNL lines of condensing furnaces.

Since the blower controls incorporated on the York furnaces are designed to impose a 30-second blower delay in every instance of start up, and

since the current provisions do not specifically address this type of control, DOE agrees that a waiver should be granted to allow the 30-second blower time delay when testing the York P2LN and PBNL lines of condensing furnaces. Accordingly, with regard to testing the P2LN and PBNL condensing furnaces, today's Decision and Order exempts York from the existing provisions regarding blower controls and allows testing with the 30-second delay.

It is, therefore, ordered that:

(1) The "Petition for Waiver" filed by York International. (Case No. F-077) is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4), and (5).

(2) Notwithstanding any contrary provisions of Appendix N of 10 CFR Part 430, Subpart B, York International, shall be permitted to test its P2LN and PBNL lines of condensing furnaces on the basis of the test procedure specified in 10 CFR Part 430, with modifications set forth below:

(i) Section 3.0 of Appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in Section 9 in ANSI/ASHRAE Standard 103-82 with the exception of Sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 to Appendix N as follows:

3.10 Gas- and Oil-Fueled Central Furnaces. The following paragraph is in lieu of the requirement specified in Section 9.3.1 of ANSI/ASHRAE Standard 103-82. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnace and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t-), unless: (1) the furnace employs a single motor to drive the power burner and the indoor air circulating blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure

time delay, (t-), using a stopwatch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within 0.01 inch of water column of the manufacturer's recommended on-period draft.

(iii) With the exception of the modifications set forth above, York International shall comply in all respects with the test procedures specified in Appendix N of 10 CFR Part 430, Subpart B.

(3) The Waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures appropriate to the P2LN and PBNL lines of condensing furnaces manufactured by York International.

(4) This Waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the petition is incorrect.

(5) Effective December 23, 1994, this Waiver supersedes the Interim Waiver granted York International on November 2, 1994. 59 FR 56064, November 10, 1994 (Case No. F-077).

Issued In Washington, DC, on December 23, 1994.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 94-32319 Filed 12-30-94; 8:45 am]

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Federal Energy Regulatory Commission

[Docket No. EL93-54-002, et al.]

Wisconsin Public Service Corporation, et al.; Electric Rate and Corporate Regulation Filings

December 23, 1994.

Take notice that the following filings have been made with the Commission:

1. Wisconsin Public Service Corporation

[Docket No. EL93-54-002]

Take notice that on November 28, 1994, Wisconsin Public Service Corporation tendered for filing its refund compliance report in the above-referenced docket.

Comment date: January 6, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. Enron Power Marketing, Inc.

[Docket No. ER94-24-005]

Take notice that on December 12, 1994, Enron Power Marketing, Inc.

tendered for filing a summary of its activity for the quarter ending September 30, 1994, pursuant to the Commission's letter order issued December 2, 1993.

Comment date: January 6, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. New England Power Company

[Docket No. ER95-267-000]

Take notice that on December 13, 1994, New England Power Company (NEP), tendered for filing further information concerning its filing in this docket, in particular how the net revenues expected to be received from NEP's sale of sulfur dioxide allowances produced by the involvement of NEP's generating stations in the acid rain program of the Federal Clean Air Act would be treated under NEP's filing.

Comment date: January 9, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. Altresco-Pittsfield, L.P.

[Docket No. QF88-21-005]

On December 16, 1994, Altresco-Pittsfield, L.P. (Applicant), tendered for filing an amendment to its filing in this docket.

The amendment provides additional information pertaining to the ownership of its cogeneration facility. No determination has been made that the submittal constitutes a complete filing.

Comment date: January 12, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. Selkirk Cogen Partners, L.P.

[Docket No. QF89-274-011]

On December 13, 1994, Selkirk Cogen Partners, L.P. (Applicant), submitted for filing an amendment to its filing in this docket.

The amendment provides additional information pertaining to the ownership of its cogeneration facility. No determination has been made that the submittal constitutes a complete filing.

Comment date: January 12, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. Pasco Cogen, Ltd.

[Docket No. QF92-156-001]

On December 19, 1994, Pasco Cogen, Ltd. (Applicant), submitted for filing an amendment to its filing in this docket.

The amendment provides additional information pertaining to the ownership and technical aspects of its cogeneration facility. No determination has been made that the submittal constitutes a complete filing.

Comment date: January 12, 1995, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94-32282 Filed 12-30-94; 8:45 am]

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[Project No. 1267-002, Project No. 2406-002, Project No. 2465-000, South Carolina]

Greenwood County and Duke Power Company; Notice of Availability of Draft Environmental Assessment

December 27, 1994.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the applications for new licenses for the following three existing hydroelectric projects, all of which are located on the Saluda River in South Carolina: (1) The Saluda Station Project (No. 2406-002), located in Greenville and Pickens Counties, near Greenville, SC; (2) the Hollidays Bridge Project (No. 2465-003), located in Greenville and Anderson Counties near Greenville, SC; and (3) the Buzzards Roost Project (No. 1267-000), located in Newberry, Laurens, and Greenwood Counties near Greenwood, SC. The Commission has prepared a Draft Multiple Project Environmental Assessment (Draft EA) covering all three projects. In the Draft EA, the Commission's staff has analyzed the existing and potential future environmental impacts of the projects and has concluded that licensing the projects, with appropriate